

1 HB33  
2 210400-1  
3 By Representative Wood (R)  
4 RFD: Ways and Means General Fund  
5 First Read: 11-JAN-22  
6 PFD: 12/07/2021

SYNOPSIS: Under existing law, a probation officer, the district attorney, or another person appointed by the sentencing judge is required to complete voluntary sentencing standards worksheets.

This bill would provide that the district attorney or his or her employee may complete the worksheets.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to sentencing; to amend Section 12-25-35, Code of Alabama 1975, to further clarify who is required to complete voluntary sentencing standards worksheets.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-25-35, Code of Alabama 1975, is amended to read as follows:

"§12-25-35.

1           "(a) (1) In felony cases, ~~a probation officer, the~~  
2 ~~district attorney, or some other person appointed at the~~  
3 ~~discretion of the sentencing judge~~ an employee of the Board of  
4 Pardons and Paroles, and within the time frame set by the  
5 judge, shall, after notice to the offender or his or her  
6 attorney, present a completed appropriate voluntary sentencing  
7 standards worksheet to the sentencing judge for consideration.

8           "(2) The district attorney or his or her employee  
9 may complete the appropriate voluntary sentencing standards  
10 worksheet for the sentencing judge's consideration.

11           "(b) The trial court shall review the sentencing  
12 standards worksheet and consider the suitability of the  
13 applicable voluntary sentencing standards established pursuant  
14 to this article. In imposing sentence, the court shall  
15 indicate on the record that the worksheet and applicable  
16 sentencing standards have been reviewed and considered.

17           "(c) In any felony case in which the trial court  
18 imposes a sentence that departs from the voluntary standards,  
19 and sentences outside the voluntary sentencing standards in  
20 accordance with existing law, the court may provide a brief  
21 written reason for the departure. Neither the departure nor  
22 the reason stated for the departure shall be subject to  
23 appellate review but shall be supplied to the commission for  
24 future consideration concerning modification of the voluntary  
25 sentencing standards and for statistical purposes only.

26           "(d) Copies of the voluntary sentencing standards  
27 worksheets, prepared pursuant to this article, shall be

1 subject to the same distribution requirements as presentence  
2 investigation reports.

3 "(e) Following the imposition of a sentence in a  
4 felony case, the clerk of the court in which the case was  
5 disposed shall forward a copy of the sentencing order or  
6 orders, a copy of the voluntary sentencing standards  
7 worksheets prepared in the case, and a copy of any departure  
8 explanation to the commission within 45 days after the  
9 imposition of sentence.

10 "(f) Failure to follow any or all of the provisions  
11 of this section, or failure to follow any or all of the  
12 provisions of this section in the prescribed manner, shall not  
13 be reviewable on appeal or the basis of any other  
14 post-conviction relief."

15 Section 2. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.